

Patent
Attorney Docket: 5733 CON2
(formerly 269/205)

REMARKS

Reconsideration of the rejections set forth in the Final Office Action mailed January 14, 2005, is respectfully requested. Claims 1-14 remain pending.

Art Rejections

Claims 1-10 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Yadav et al. (U.S. Patent No. 6,391,044). Claims 11-14 are rejected under 35 U.S.C. § 103(a) as being as being allegedly unpatentable over Yadav et al.

The Examiner has taken the position that "in comparison of Fig. 11 of the present invention to Fig. 14-15 and especially Fig. 21 of Yadav-'044, it is reasonable to conclude that at least Yadav filters shown in Fig. 14-15 and 21, for example, include 'a general scallop shape.' Therefore, the above rejection is applicable to the claims." (Office Action, page 4) Applicants respectfully direct the examiner's attention to Figures 16A and 16B of the present application, which illustrate a filter membrane having a generally scalloped edge. Claims 1 and 6 are directed to the Figures 16A and 16B. As argued previously, Applicants respectfully assert that Yadav et al. does not teach or suggest a filter system wherein the free end of the filter membrane "*has a generally scalloped shape,*" as required by both independent claims 1 and 6.

Claims 1 and 6 are therefore patentably distinct from the cited art. Claims 2-5 and 7-14 are dependent on claims 1 and 6, respectively, and are therefore patentably distinct from the cited art for the same reasons applicable to claims 1 and 6. Therefore, Applicants respectfully request withdrawal of the rejections and reconsideration of the claims as amended.

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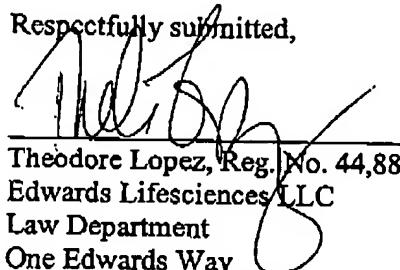
FEES DUE TO FILE THIS AMENDMENT

Prior to the pending Office Action, a fee was paid for the original 20 claims, with 3 of them being independent claims. The aforementioned claim additions and cancellations have not resulted in more than the original number of claims, and thus no claim fees are believed to be due to file this amendment.

CONCLUSION

For the above reasons, pending Claims 1-14 are in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, a telephone call to the undersigned at 949-250-6856 is welcomed and encouraged.

Respectfully submitted,


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